

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TYSON A. DITCH,	:	
Petitioner	:	
v.	:	C.A. No. 04-164 ERIE
	:	(Baxter, M.J.)
JAMES L. GRACE,	:	(McLaughlin, D.J.)
Respondent	:	

MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

AND NOW, comes the Petitioner, Tyson Alan Ditch, by and for himself, to respectfully request the court to grant this motion and permit him to proceed on appeal in forma pauperis. The following is set forth in support thereof:

1. Petitioner has been continuously incarcerated since the 18th day of February 1998, but for one month, when he was released after posting property bond.
2. Petitioner does not have the funds necessary to pay the fees and/or costs of the appeal.
3. Petitioner receives approximately \$100.00 per month for his work within the prison. Funds Petitioner utilizes to pay the costs of copies, typewriter ribbons, postage, and hygiene products.

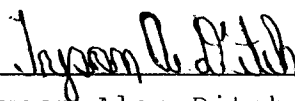
4. Petitioner believes he is entitled to have his constitutional issues decided by the appellate court.

5. Petitioner understands his duty to the court to disclose any change in his financial condition which would enable him to pay the fees and/or costs of the appeal.

6. Petitioner believes it is in the interests of justice to grant this motion.

WHEREFORE, based on the foregoing facts and circumstances, Petitioner, Tyson Alan Ditch, respectfully requests your Honorable Court to grant this motion and permit him to proceed on appeal in forma pauperis.

Respectfully Submitted,



Tyson Alan Ditch, EA-3968

Pro Se Petitioner

1100 Pike Street

Huntingdon, PA 16654-1112

Date: July 11, 2005

CERTIFICATE OF SERVICE

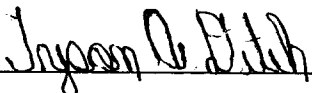
I, Tyson Alan Ditch, Petitioner in the foregoing matter, do hereby certify that I have this 11th day of July 2005, served a true and correct copy of Petitioner's Notice Of Appeal upon the below named party. Said service was made by first-class U.S. Mail, postage pre-paid at Huntingdon, PA 16654-1112.

SERVICE UPON:

Honorable Judge McLaughlin
United States District Court
Western District Of Pennsylvania
P.O. Box 1820
Erie, PA 16507

Douglas W. Ferguson, Esquire
Office of the District Attorney
Room 25
Crawford County Courthouse
Meadville, PA 16335

Date: July 11, 2005



Tyson A. Ditch, EA-3968
1100 Pike Street
Huntingdon, PA 16654-1112
Pro Se Petitioner

FOR THE WESTERN

DISTRICT OF

PENNSYLVANIA

v. Petitioner

JAMES L. GRACE,

CASE NUMBER: C.A. No. 04-164 ERIE

I, Tyson Alan Ditch, declare that I am the (check appropriate box)

☒ petitioner/plaintiff

☐ movant (filing 28 U.S.C. 2255 motion)☐ respondent/defendant

☐ _____
other

Petitioner did not knowingly and intelligently waive his Sixth Amendment right to counsel (incorporated by the Fourteenth Amendment) at the pretrial hearing and one man show-up identification procedure, and as a result was denied legal representation.

In further support of this application, I answer the following questions.

1. Are you presently employed?

Yes ☐ No ☒

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

NA

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

February, 1998. Approximately \$3,000 per month.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment

Yes ☐ No ☒

b. Rent payments, interest or dividends?

Yes ☐ No ☒

c. Pensions, annuities or life insurance payments?

Yes ☐ No ☒

d. Gifts or inheritances?

Yes ☐ No ☒

e. Any other sources?

Yes ☐ No ☒

AO 240 Reverse

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

NA

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes ☒ No ☐ (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

As of July 5, 2005, Petitioner's prison account balance is -\$14.63

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ☐ No ☒

If the answer is "yes," describe the property and state its approximate value.

NA

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

NA

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 5, 2005
(Date)

Joseph A. Ditch
Signature of Applicant

CERTIFICATE

(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ (14.63)CR Be
on account to his credit at the State Correctional Institution at Huntingdon
institution where he is confined. I further certify that the applicant likewise has the following securities to
his credit according to the records of said institution: NONE

I further certify that during the last six months the applicant's average balance was \$ 91.59 Be

July 6, 2005

Elizabeth Christoff, Acct. 1
Authorized Officer of Institution
Elizabeth Christoff, Accountant I

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
REMOTE PRINT TIME 11:29

INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM PURGE FILE

RUN IAS365
DATE 7/06/2005
PAGE 1

INMATE	NAME			
NUMBER	LAST	FIRST	MI	STARTING BALANCE
EA3968	DITCH	TYSON	A	17.38

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
3710	01-06-2004 37	POSTAGE		
		JANUARY 5, 2005	- .60	16.78
9006	01-06-2005 12	INMATE EMPLOYMENT		
		HUN PAYROLL 2004 - 12 GRP 5	84.00	100.78
9006	01-06-2005 11	INMATE EMPLOYMENT		
		HUN PAYROLL 2004 - 12 GRP 5	52.92	153.70
8025	01-25-2005 32	HUN COMMISSARY		
		FOR 1/25/2005	-58.58	95.12
8027	01-27-2005 34	HUN CABLE TV		
		FOR 1/27/2005	-15.25	79.87
8032	02-01-2005 32	HUN COMMISSARY		
		FOR 2/01/2005	-38.27	41.60
9034	02-03-2005 11	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 01 GRP 5	50.40	92.00
9034	02-03-2005 12	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 01 GRP 5	75.60	167.60
3897	02-07-2005 13	PERSONAL GIFT FROM		
		HARRIS, LINDA (141861)	50.00	217.60
3943	02-14-2005 42	SAVINGS		
		OMEGA BANK	-100.00	117.60
3953	02-16-2005 14	MISCELLANEOUS		
		PA VITAL RECORDS (120906)	4.00	121.60
3973	02-22-2005 36	PRINTED MATERIALS		
		DIVISION OF VITAL RECORDS	-4.00	117.60
8053	02-22-2005 32	HUN COMMISSARY		
		FOR 2/22/2005	-17.24	100.36
8055	02-24-2005 34	HUN CABLE TV		
		FOR 2/24/2005	-15.25	85.11
4035	03-04-2005 14	MISCELLANEOUS		
		DIVISION OF VITAL REC (121112)	4.00	89.11
8067	03-08-2005 32	HUN COMMISSARY		
		FOR 3/08/2005	-23.94	65.17
9069	03-10-2005 11	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 02 GRP 5	47.88	113.05
9069	03-10-2005 12	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 02 GRP 5	79.80	192.85
4087	03-14-2005 30	PERSONAL GIFT TO		
		HOLABIRD SPORTS	-69.99	122.86
4126	03-21-2005 41	MEDICAL		
		MEDICAL CO PAY 3/16/05	-4.00	118.86
4151	03-24-2005 14	MISCELLANEOUS		
		INST CK (HOLABIRD) (102658)	69.99	188.85
8088	03-29-2005 32	HUN COMMISSARY		
		FOR 3/29/2005	-19.19	169.66

PA DEPT. OF CORRECTIONS	INMATE ACCOUNTS SYSTEM	RUN	IAS365
BUREAU OF COMPUTER SERVICES	PARTIAL ACCOUNT LISTING	DATE	7/06/2005
REMOTE PRINT TIME 11:29	FROM PURGE FILE	PAGE	2

INMATE	NAME		
NUMBER	LAST	FIRST	MI
EA3968	DITCH	TYSON	A

BATCH	DATE		TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
#	MO DY YEAR				
4180	03-29-2005	42	SAVINGS		
			OMEGA BANK	-100.00	69.66
8090	03-31-2005	34	HUN CABLE TV		
			FOR 3/31/2005	-15.25	54.41
			BALANCE AFTER THESE TRANSACTIONS----->		54.41

PA DEPT. OF CORRECTIONS
BUREAU OF COMPUTER SERVICES
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INMATE ACCOUNTS SYSTEM
PARTIAL ACCOUNT LISTING
FROM ACTIVE FILE

RUN IAS365
DATE 7/06/2005
PAGE 1

INMATE	NAME				
NUMBER	LAST	FIRST	MI	STARTING BALANCE	
EA3968	DITCH	TYSON	A	54.41	

BATCH #	DATE MO DY YEAR	TRANSACTION DESCRIPTION	TRANSACTION AMOUNT	BALANCE AFTER TRANSACTION
9097	04-07-2005 12	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 03 GRP 5	91.00	145.41
9097	04-07-2005 11	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 03 GRP 5	57.96	203.37
4252	04-11-2005 31	OUTSIDE PURCHASES		
		ACCESS CATALOG	-119.48	83.89
8102	04-12-2005 32	HUN COMMISSARY		
		FOR 4/12/2005	-48.32	35.57
8116	04-26-2005 32	HUN COMMISSARY		
		FOR 4/26/2005	-32.78	2.79
8118	04-28-2005 34	HUN CABLE TV		
		FOR 4/28/2005	-15.25	-12.46
9125	05-05-2005 12	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 04 GRP 5	86.10	73.64
9125	05-05-2005 11	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 04 GRP 5	52.92	126.56
4412	05-11-2005 42	SAVINGS		
		OMEGA BANK	-100.00	26.56
8137	05-17-2005 32	HUN COMMISSARY		
		FOR 5/17/2005	-19.62	6.94
8146	05-26-2005 34	HUN CABLE TV		
		FOR 5/26/2005	-15.25	-8.31
9153	06-02-2005 12	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 05 GRP 5	81.90	73.59
9153	06-02-2005 11	INMATE EMPLOYMENT		
		HUN PAYROLL 2005 - 05 GRP 5	52.92	126.51
4574	06-14-2005 37	POSTAGE		
		LEGAL - JUNE 13, 2005	-1.52	124.99
4574	06-14-2005 37	POSTAGE		
		LEGAL - JUNE 13, 2005	-1.06	123.93
8165	06-14-2005 32	HUN COMMISSARY		
		FOR 6/14/2005	-50.87	73.06
8165	06-14-2005 32	HUN COMMISSARY		
		FOR 6/14/2005	-3.05	70.01
8172	06-21-2005 32	HUN COMMISSARY		
		FOR 6/21/2005	-54.46	15.55
8179	06-28-2005 32	HUN COMMISSARY		
		FOR 6/28/2005	-14.93	.62
8181	06-30-2005 34	HUN CABLE TV		
		FOR 6/30/2005	-15.25	-14.63
BALANCE AFTER THESE TRANSACTIONS----->				-14.63